

# IDAHO Supreme Court

JUDICIAL/ADMINISTRATIVE NEWS

NOVEMBER 2004



## Granata Award to Judge Dennard

Ada County Magistrate Judge R. Michael Dennard was honored on October 28, by the Idaho Judiciary as this year's recipient of the George G. Granata Award, which is presented annually to an Idaho judge in recognition of his professionalism.

The recipient of this prestigious award is selected due to their significant contributions over a substantial period to the Idaho judicial system, the impact of their professionalism, and their status as a role model. The award is named for the late Judge George Granata who exemplified judicial professionalism during his more than 20 years on the Idaho bench.

Supreme Court Justice Roger Burdick, Chair of this year's selection committee, presented the award to Judge Dennard saying, "Having known George Granata for many years and counting him as a close friend, it would make Judge Granata very proud to give this award to Judge Dennard because of Judge Dennard's many years of excellence."

Judge Dennard attended the University of Illinois, obtaining his Bachelor's Degree in History in 1970. He attended St. Mary's University School of Law from 1972 to 1975, receiving his law degree in 1975. Before moving to Idaho in 1977, he was engaged in the private practice of law in San Antonio, Texas. He was appointed to the bench in the Magistrate Division of the District Court in Ada County in July of 1980 and continues to serve in that capacity. Fourth District Judge Joel Horton nominated Dennard for the award saying, "Judge Dennard has served the citizens of Ada County for almost a quarter

century since his appointment to the bench in July of 1980. Dennard has served as a member of a number of Supreme Court committees, including the Court Technology Committee, Court Records Committee, and was the Chair of the Child Support Guidelines Committee for a number of years. He has been a frequent speaker on domestic relations topics at seminars and conferences. He is currently the Project Director for the Court Assistance Offices throughout the state." Judge Dennard is currently assigned to the Ada County Family Court, which handles all domestic relations, paternity, and domestic violence cases filed in Ada County.

## Court Outlines Budget Priorities

The Idaho Court's Fiscal Year (FY) 2006 budget priorities have been identified by the Administrative Conference and were considered and adopted by the Court at its Conference in late September. The state budget priorities include:

- ⚖️ \$279,500 for senior judges, including 500 senior judge days, travel costs, 200 senior judge court reporter days, and corresponding travel costs for court reporters.
- ⚖️ \$150,000 for certified court interpreters, including \$30,000 for Judicial Districts 3, 4, 5, 6, and 7 to assist the five judicial districts and counties in hiring regional certified court interpreters.

**Judicial Salaries:** Following Administrative Conference discussion, which noted that Judicial salary increases require separate legislative action, apart from any change in employee compensation recommendations that may be recommended by the Governor and acted upon by the Idaho Legislature; and that Idaho Judges did not receive the one-time 1% salary increase authorized last year for other state employees by HCR 47 and HB805, the Conference unanimously approved a motion recommending that judicial salaries be given the same consideration as that afforded all other state employees. The court approved this recommendation.

**Millennium Fund:** The Juvenile Justice Advisory Team recommended to the Administrative Conference that the Supreme Court request a continuation of Millennium Funds in the FY06 budget to support and expand Youth Courts and status offender services as they relate to tobacco and/or substance abuse issues. The recommendation was unanimously approved.

## Graduate Glee

### Drug Court Marks 100th Graduate

The First District's Drug Court reached a milestone with its sixth anniversary and its 100th graduate, since the Drug Court's inception in 1998. Jane Wear, a Coeur d'Alene woman, successfully completed the Kootenai County's Drug Court program as the 100th graduate. She had battled many years of drug addiction.

Wear received heartfelt congratulations from Judge Eugene Marano, the presiding judge, as well as many friends and family who were attending the ceremony. Chief Justice Gerald Schroeder of the Idaho



**North Idaho/From the Front Page**

Jane Wear hugs a family member in the lobby of the Kootenai County Courthouse after graduating from the Kootenai County Drug Court Program Tuesday. Wear, who was a drug addict for over a decade before becoming clean, was the 100th graduate from the six-year-old program.

Supreme Court was a guest at the ceremony. Ms. Wear agreed to allow the media to be present at her graduation on October 5, 2004 and agreed to interviews.

Judge Marano gets to know each participant through progress reports and discussions with each client. A drug court judge must balance compassion and judicial supervision in a way that is very different from traditional judicial proceedings. Judge Marano has been very successful with his approach to this challenge over the past five years.

The drug court is a twelve to eighteen month program. Some of the graduates have stated at graduation that they would most likely be dead if they hadn't taken advantage of this program.

## Legal Services Awards Technology Grant

Idaho Legal Aid Services (ILAS) has received substantial federal funding to pioneer a cutting-edge technology aimed at assisting low income Idahoans with legal problems gain access to the state's civil justice system.



Helaine M. Barnett, President of the congressionally chartered Legal Services Corporation based in Washington, D.C., was joined by Justice Linda Copple Trout at a news conference in the Idaho Supreme Court building in Boise on October 15 to announce the award of \$178,000 in federal funds to ILAS. With the grant money, ILAS advocates will work with the state judiciary and others to automate more than 300 court forms to assist self-represented litigants who cannot afford to hire a lawyer. Tens of thousands of low-income Idahoans will be able to have their day in court as a result of the easy-to-use online system.

The automated system will require no legal expertise, asking users simple questions in basic English (or Spanish) and then outputting properly formatted court forms that can be filed in district court. The court forms will cover a range of topics, such as requests for protective orders

for victims of domestic violence, hearings to fight wrongful evictions, and petitions for child custody or visitation rights.

LSC is the agency chartered by Congress in 1974 to promote equal access to civil justice in America. In 2003, LSC allocated \$1.3 million in federal funds to Idaho Legal Aid Services to provide free representation to low-income Idahoans.



## A round-up of judicial personnel making news across Idaho

### Ada Magistrate Applicants Announced

The following individuals have submitted applications for the vacant Magistrate Judge position in Ada County:

Kevin Scot Borger - Meridian, ID	Jesse Scott James - Eagle, ID	John E. Rumel - Boise, ID
Paul Richard Brindle - Eagle, ID	Jill Longhurst - Boise, ID	Tyler Dudley Smith - Meridian, ID
John Allan Cafferty -Coeur D'Alene, ID	Darren J. Meacham - Meridian, ID	John (Jay) Hilbert Stephenson II - Fort Lewis, WA
Ann Largent Cosho - Boise, ID	Melissa Nicole Moody - Boise, ID	Craig Alan Steveley - Boise, ID
Allen Donovan Thomas - Boise, ID	Scott Blackeslee Muir - Boise, ID	Mary Watson Tyree - Boise, ID
Richard Kim Dredge - Boise, ID	Mary "Molly" Michaela O'Leary - Boise, ID	Wesley Gene Wilhite - Fruitland, ID
Keri Lyn Hamilton - Boise, ID	George C. Patterson - Nampa, ID	
John T. Hawley, Jr. - Boise, ID	Michael John Reardon - Boise, ID	

### Interviews are scheduled for December 1st

#### Justice Trout Gets Second Committee Term

U.S. Supreme Court Chief Justice William Rehnquist has named Idaho Supreme Court Justice Linda Copple Trout to a second 3-year term on the Judicial Conference Committee on Federal-State Jurisdiction.

#### Magistrate Judge Selected for Clearwater County

The 2nd District Magistrates Commission has appointed Randall W. Robinson of Lewiston Idaho as the new Magistrate Judge for Clearwater County to replace retiring Judge Orin Lee Squire. Mr. Robinson's term of office will begin in January 2005.

Mr. Robinson is currently the Managing Attorney of Idaho Legal Aid Services in Lewiston and is a 1978 graduate of the University of Illinois Law School. He was a recipient of the Idaho State Bar's Professionalism Award in 1997, and received the Idaho Legal Aid Services Justice Achievement Award in 1994. He has been admitted to practice in Idaho, in Federal District Court, in the 9th Circuit Court of Appeals and in the Nez Perce Tribal Court. He has written articles for Hard Times, the quarterly newsletter of Idaho Legal Aid Services, and for the Advocate, the magazine of the Idaho State Bar.

## Important Websites



- Idaho Supreme Court: <http://www.isc.idaho.gov>
- Idaho State Law Library: <http://www.isll.idaho.gov>
- Idaho State Bar: <http://www.idaho.gov/isb>
- Court Assistance Offices: <http://www2.state.id.us/cao>
- Idaho Law Foundation 2003 – 2004 Annual Report Online: [http://www2.state.id.us/isb/gen/ilf\\_info.htm#AnnRpt](http://www2.state.id.us/isb/gen/ilf_info.htm#AnnRpt)
- National Center for State Courts: <http://www.ncsconline.org>
- State of Idaho's Official Website Gets a New Address and Appearance  
Check out the state's new website, now at: <http://www.state.id.us/>.
- AJS Launches Website on the Jury  
The National Jury Center of the American Judicature Society has launched its new website.  
Visit: <http://www.ajs.org> and click on Jury Center



### **Congratulations to Nez Perce County**

Nez Perce County's Second Judicial District has been selected to receive special training and instruction to facilitate implementation of the Family Drug Court Initiative. A special committee has been organized to develop planning and strategies for the establishment of a Family Drug Court.

The committee team members are:

- 🏛 Judge Jay Gaskill - Magistrate Judge
- 🏛 Al Cole - Family Court Services
- 🏛 Dan Spickler – Nez Perce County Prosecutor
- 🏛 William Fitzgerald - Defense Attorney
- 🏛 Caren Adams - CASA/Guardian Ad Litem
- 🏛 Mary Jo Murdie - Child Protection
- 🏛 Phil Waggoner - Treatment Provider - Riverside Recovery
- 🏛 Jim McCracken – LCSC - Research & Management Information Services
- 🏛 Norma Jaeger - Statewide Drug Court Coordinator

The team will receive specialized training to assist in grant writing, and the planning and development of Drug Courts. The training is funded by the Office of Juvenile Justice and the Bureau of Justice Assistance and will take place in several cities throughout the United States where team members will be able to observe practicing Family Drug Courts and share ideas and problem solving approaches used by other courts.

This training will make the Second Judicial District eligible to receive priority for implementation funds in fiscal year 2006. For further information and comments, please contact Al Cole, Family Court Services 208-750-2034.

### **Seventh District Drug Court News**

The Drug Court Planning Office in Washington D.C., the Seventh Judicial District, and the District's six most heavily populated counties - Bingham, Bonneville, Jefferson, Madison, Fremont, and Teton Counties – have received notice of a "single jurisdiction enhancement grant" that will support felony and misdemeanor DUI Adult Drug Courts over the next two years. Madison County will be the administrator of the grant, on behalf of the Judicial District.

The proposed enhancement will integrate mental health assessments and treatment, medication management, related physical exams and

laboratory tests in hopes of increasing retention and improving the graduation rate for drug courts.

The grant money will also provide necessary pharmaceuticals for participants with co-occurring mental health and substance problems in the Seventh Judicial District Drug Courts.

### **How is Idaho approaching this need to operate drug courts in a manner that will result in successful outcomes?**

Over the past few months Idaho completed an external process evaluation of drug court practices and all drug courts will soon complete a self-assessment of their operations, using a checklist based on effective practices. This, and future newsletters, will examine the results of assessing drug court effectiveness efforts in Idaho.

Finding 1: Idaho is assessing and targeting the right offenders for drug court.

The first step in program effectiveness is to assure that drug courts are serving the appropriate participants. Meta-analysis of numerous studies (Andrews, et al., 1990) as well as research conducted directly by Dr. Edward Latessa, has shown that when intensive programs, such as drug courts, are provided to low-risk offenders, recidivism is not reduced but may, in fact, be increased. High intensity programs are most effective with medium to high-risk offenders. Therefore, classifying offenders by risk level and matching need to program is a critical first step to positive outcomes.

In Idaho, all drug court participants are required to complete a risk assessment (using the LSI-R) and a substance abuse assessment. Idaho drug courts are obtaining risk and substance abuse assessments in virtually all cases prior to accepting participants. Initial evaluation indicates that the wide majority of participants meet the medium to high-risk classification.

In addition, drug courts and the Idaho Department of Correction (IDOC) have continued to focus on continued training of personnel to accurately and reliably administer the LSI-R. IDOC has an ongoing quality assurance program to review LSI-R administration. Drug court personnel have been included in IDOC trainings on the LSI-R and will continue to be included. Continued efforts will focus on assuring 100% assessment, improved use of the LSI-R for treatment planning and using the LSI-R for periodic reassessment of participant progress and reduced risk of recidivism.



### Dedicated Judges Working Before And After Hours

Seventh Judicial District Judges routinely preside over drug courts starting as early as 7:00 am and are still there on many occasions well after 5:00 pm. After attending a drug court symposium and dinner held in Rexburg on October 13, 2004 as BYU-Idaho guests, these dedicated judges discussed and evaluated how the drug courts are working.

BYU-Idaho Psychology Department has conducted on-going process evaluations with drug court participants and drug court team members, and this was an opportunity to review and critique the results and how the process should work in the future.



*Pictured from left to right are: Judges Mark Riddoch, Brent Moss, Jon Shindurling, Richard St. Clair, Ryan Boyer, and Michael Kennedy. Judge Keith Walker attended, but had to leave before the picture was taken.*

### Idaho Drug Courts Focus on Effectiveness

A growing body of research points to practices that are most likely to lead to positive outcomes for drug court participants - reduced drug use and lowered recidivism. These evidence-based practices include:

- ⚖ use of standardized, criminogenic risk and needs assessment
- ⚖ acceptance of medium to high risk offenders into drug court
- ⚖ regular progress hearings before the judge
- ⚖ effective use of sanctions and incentives
- ⚖ use of proven, effective treatment interventions
- ⚖ provision of structured aftercare service
- ⚖ implementing quality assurance and ongoing outcome evaluation

A recent article by Douglas Marlowe, J.D., Ph.D. identified that drug courts have proven their "efficacy," defined as an intervention that research shows does work. It is now the task of the drug court field to demonstrate "effectiveness," or the ability to consistently implement the intervention in the "real world."

*Go to the following link: [Drug Court Efficacy vs. Effectiveness Commentary by Douglas B. Marlowe, J.D., Ph.D., 9/29/2004](#)*

### Matrix Model Training

The Supreme Court recently sponsored a training session for drug court treatment providers and other drug court team members on implementing the Matrix Model of Methamphetamine Treatment, including a separate session on Motivational Interviewing, a method of improving participant motivation and engagement in treatment.

The Matrix Model has demonstrated in several research evaluations, an improvement of outcomes for individuals dependent on methamphetamine. This approach to methamphetamine treatment has been identified as an evidence based practice by the National Institute of Drug Abuse and the Substance Abuse and Mental Health Administration (SAMHSA).

Several Idaho Drug Courts have expressed intent to implement the model and over 75 individuals have participated in these training activities. The training was funded by the Edward J. Byrne Memorial grant for Juvenile Drug Court Methamphetamine Treatment Enhancement and the Center for Substance Abuse Treatment - Drug Court Treatment Enhancement project.

Future related efforts will include dissemination of a model "fidelity" evaluation instrument to assure the model is being appropriately implemented, as well as a presentation at the 4th annual Drug Court Institute on "Lessons Learned" in the multi-site evaluation of the Matrix Model conducted by SAMHSA.



## New Orders & Rule Changes

For current New Orders or Rule Changes, go to  
<http://www.isc.idaho.gov/rulesamd.htm>

- Amendment of I.B.C.R. Rules - September 17, 2004 -  
effective immediately

- Amendment of I.B.C.R. Rules - September 13, 2004 -  
effective immediately

The full text of these rules are located at the Idaho State Bar



## Judge Luster Scales Mount Borah

Judge Luster recapped his recent day scaling Idaho's highest peak by saying, "The climb up Borah was quite the experience. Ordinarily it is not supposed to be very technical, however, due to the snow on top it was quite treacherous. There was as much as two feet of snow in places which made the climb along "Chicken-out Ridge" dangerous and the scramble up the face quite the slog."



*First District Judge John Luster reaches the top of Mt. Borah with climbing partner Dana Dube' (Husband of Patty Dube', Assistant Court Services Director) after the recent Domestic Violence Conference in Sun Valley.*

The Judge added, "Some experienced mountaineers that were with us remarked that it was unusually difficult. Only about half the group made it to the top. The only reason my friend and I made it was we were not smart enough to know better."

"I am sure that with conditioning you can make it. I would pick dry conditions. Also allow for 10 hours. Some of us made it up and back in 9 others in 11. Overall it was quite exciting. I would do it again, for sure."

## Free Workshops in Coeur d'Alene and Idaho Falls

Confidentiality, Privacy, and Ethics Training and Creating Awareness in Drug Court Operations training sessions will be offered in Coeur d'Alene in January and Idaho Falls in March 2005. The same training sessions were held in Boise earlier this month.

🏠 Coeur d'Alene: January 19-20-21, 2005

🏠 Idaho Falls: March 2-3-4, 2005

Space is limited to 50 participants

The Idaho Department of Health and Welfare, Division of Family and Community Services Substance Abuse Program and CSAT Confidentiality Ethics Training, and SAMHSA (Substance Abuse and Mental Health Services Administration) are the sponsors for these free training events.

The 2-day intensive HIPAA workshop offers training to treatment providers covering the fundamentals of the Federal confidentiality and privacy laws, the integration of these Federal laws and their general relationship to State law; explores the process of decision making in handling a request, use, or disclosure of individually identifiable health information; demonstrates the role that ethics plays in reaching compliance with these Federal regulations; and explores methods of

collaboration within the privacy and confidentiality laws.

The presenter for the 2-day session is Brian Balicki, M.H.S. Brian has 25 years of experience in the health care field, including a background in financial management, training, and evaluation. He is ORC Macro's director of the multiyear Confidentiality and Ethics Training (CET) project for SAMHSA that delivers technical assistance and

training to State agencies and community based service providers. He has experience in working with organizations to reach compliance with privacy/ confidentiality and electronic standards. Mr. Balicki received his master's degree from the John Hopkins School of Public Health.

The one-day workshop, Creating Awareness in Drug Court Operations, is designed for drug court professionals to learn about Federal confidentiality and privacy regulations that affect drug court operations and explore ways of working within applicable privacy regulations in an effort to accomplish desired goals. The workshop will be focused on drug court team members but would also be relevant to other court personnel working with treatment providers who are bound by these federal confidentiality regulations.

The presenter for this workshop will be Robin Frazier Kandel, J.D., who has over 10 years of experience in health care law and is assistant director for legal affairs with ORC Macro. She serves a Macro's lead attorney on law-related issues to States across the Nation in SAMHSA's Confidentiality and Ethics Training (CET) project and is the lead presenter on confidentiality, privacy, and collaboration issues, including topical sessions on drug court issues and privacy issues among public health service providers. She has a background as a trial attorney in medical malpractice and wrongful death. Mrs. Kandel received her law degree from the University of Maryland School of Law.

Contact Marina Kalani for information about the HIPAA training or the Confidentiality & Privacy Training to be held in Coeur d'Alene, at The Coeur d'Alene Resort, [mkalani@kcgov.us](mailto:mkalani@kcgov.us) or phone 208-446-1838.

Contact Linda Burch for information about the HIPAA training or the Confidentiality & Privacy Training to be held in Idaho Falls, at the Red Lion Hotel, [charbu@highstream.net](mailto:charbu@highstream.net) or phone 208-520-7900.

## Successful 2004 Magistrate Judges Institute

The recently completed Magistrate Judges Institute was a great success and was attended this year by the largest number of participants in several years. Beginning on Monday October 25th with the New Judges Session, which 8 new judges attended (as well as some others), followed by the full Institute sessions which began on Tuesday afternoon and concluded on Friday, October 29th.

We had many of our faculty members from prior Magistrate Judges Institutes who returned again this year and a curriculum that received top reviews from all those who participated.

The sessions for new judges included topics such as Small Claims; Domestic Violence Issues; Involuntary Mental Commitments; Guardianships; Termination of Parental Rights; Adoptions; Case Management / ADR Practices; Child Protection Act / Juvenile Corrections Act; and Mental Competency Issues.

The regular Institute curriculum included, among other things, a review of Criminal & Civil Case Developments; Contempt of Court (with new Handbook by Justice Eismann, who taught this session); Evidence (by the infamous team of Lewis and Clark [Professor Craig and Merlyn respectively]; Family Law; and rotating workshops covering Computer Training; No Contact Orders; Effective Treatment Strategies for Adult & Juvenile Offenders; Understanding NCIC Reports; and Professor Erwin Chemerinsky's U.S. Supreme Court Case Update. There was also a very well received Q&A session conducted by members of the Idaho Judicial Council and moderated by their Executive Director, Bob Hamlin.

Many of the judges, some with their partners and guests, also had the opportunity get to know each other a little better and to socialize at a special evening event where they were able to tour the old Idaho



*New Judges met as part of the Magistrate Judges Institute. Pictured from left to right are: Judges Orr, Cawthon, Cockerille, Friedlander, Robinson, Naftz, Carnaroli, and Hansen.*



Penitentiary and then were treated to a wonderful catered dinner at the historic Bishop's House across the street from the Old Penitentiary.

The judiciary is deeply appreciative of all those who assisted in this year's MJJ – particularly the faculty who give so freely of their time in not only presenting as requested, but also in their preparation and travel time.



## News from 2nd Judicial District - Supervised Access Training Completed

Supervised Access training for staff members of the Confluence Counseling Center has been completed in the Second Judicial District, making it possible for Confluence Counseling Center to open a Supervised Access program in the Lewiston/Clarkston area.

The center provides supervised visitation services for families in a safe and secure supervised exchange point where families in conflict can

exchange children for visitation purposes. This service is needed to enable conflicted parents access to their children and at the same time serves to reduce the potential for violence and greater harm to the children.

For further details and information regarding the Supervised Access Program please contact Al Cole, Family Court Services, 208-750-2034 or Jim Hamman, Confluence Counseling, 208-798-5132.





# ISTARS News

The question has been asked, how should I as a clerk indicate that an attorney has withdrawn on a case after the case has closed?  
(Or anytime)

One idea was to go into the attorney screen and delete the attorney.

However, because there are statistical reports that tie to "Pro Se" cases, which looks at cases where no attorney has been assigned directly from the attorney screen, if you remove the attorney rather than indicating "withdrawn" those statewide statistical reports will not be correct. The correct way to remove an attorney after they withdraw from a case is to "uncheck" the box that marked them as a primary attorney (if it has been marked) and then mark the box [withdrawn] as you can see by the example below.

By so doing those statistical reports will pick up what was intended, only cases where there never was an attorney of record on the case.

## Civil Dispositions

When you enter a civil disposition on a case, the auto insertion of CDIS – Civil Disposition, should write to your ROA. In the beginning we used some other codes, so please check your setup in ROA events for Civil Dispositions, and if you are using other than CDIS, will you please change that now. We want this information to report uniformly statewide.

If you have any questions on this please call Julie Cottrell at 208-334-3868 or email her at [jcottrell@idcourts.net](mailto:jcottrell@idcourts.net).

## "HOW TO" IN THE HELP'S TOPICS



In your working world it seems like "the only constant is change," and training new employees is a big part of that change. Remember as you are training them to reinforce to them that the help text in ISTARS is really good and complete. As you can see by the sample here that there is a pretty extensive listing of "How To's" that can help you to train, and help the new employee by letting them know that there is an "expert" at their fingertips at all times. I use the help function every day!



## "Who's NEW" on ISTARS?

This year we have so far added 8 Courts To New ISTARS.

Clearwater County in March

Lewis County in March

Boise County in April

Boundary County in June

Caribou County in July

Bear Lake County in July

Washington County in August

Payette County in September

Who's scheduled to convert this year:

Shoshone County in October

Benewah County in November

Franklin County in November

Oneida County in November

We will be down to 10 counties left to convert in 2005!





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is published by the Idaho Supreme Court.

Chief Justice Gerald F. Schroeder

Justice Linda Copple Trout

Justice Wayne L. Kidwell

Justice Daniel T. Eismann

Justice Roger S. Burdick

We are very interested in your news and information. If you have or are aware of items that should be featured in a future edition of Judicial/Administrative News please let us know!

News items may be submitted for publication to Patricia Tobias:

**451 West State St.**  
**Boise, ID 83702**  
**Phone: 208-334-2246**  
**FAX: 208-947-7590**  
**E-mail: [ptobias@isc.state.id.us](mailto:ptobias@isc.state.id.us)**

Thanks!



**Note:** For the most up-to-date Judicial Calendar, check the Judiciary's homepage at <http://www.isc.idaho.gov/calendar.htm>